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ATTORNEYS FOR FIDELITY BANK

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

IN RE:	§	
	§	
MICHAEL ALLAN MOISANT,	§	CASE NO. 11-10325-rlj-13
KAREN ANN MOISANT	§	CHAPTER 13
	§	
DEBTORS.	§	

AGREED MOTION TO TRANSFER VENUE

Fidelity Bank (the “Bank”) files this its Agreed Motion to Transfer Venue and would show the Court the following:

1. The Court has jurisdiction to decide this matter pursuant to 28 U.S.C. §§157, 1334, and 1408(1).
2. The Bank is a creditor of the Debtors having a claim pursuant to a personal guaranty in the approximate value of \$455,000.00. On August 30, 2011, the Debtor’s filed this Chapter 13 bankruptcy proceeding in the Abilene Division of the United States Bankruptcy Court, Northern District of Texas.
3. Pursuant to 28 U.S.C. §1408(1), a proper division for venue for this case is in the Wichita Falls Division of the United States Bankruptcy Court, Northern District of Texas (the “Wichita Falls

Division”) as the Debtors have resided in Wichita County, Texas during the 180 days preceding the filing of their Chapter 13 petition.¹

4. Because the Debtors reside and work in Wichita Falls, Texas and have for years, and because many of the creditors reside or have their place of business in Wichita Falls, this case should be transferred to the Wichita Falls Division pursuant to 28 U.S.C. §1412 and Rule 1014(a)(1), Fed. R. Bankr. P., as the Wichita Falls Division is the most convenient venue for the parties.

WHEREFORE, PREMISES CONSIDERED, the Bank prays that the Court transfer this case to the Wichita Falls Division of the United States Bankruptcy Court, Northern District of Texas, and that the Bank have such other and further relief to which it is justly entitled.

Respectfully submitted,

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By: /s/ Hank Rugeley
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Kent A. Bowersock
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ATTORNEYS FOR FIDELITY BANK

CERTIFICATE OF CONFERENCE

On September 29, 2011, the office of Bank’s counsel conferred with the office of Debtors’ counsel and the office of the trustee who stated that the motion was not opposed.

/s/ Hank Rugeley
Hank Rugeley

¹ See Attorney Desk Reference, Northern District of Texas §1, pg. 3.

RESPONSE REQUIRED

NO HEARING WILL BE CONDUCTED HEREIN UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS, 1100 COMMERCE STREET - ROOM 1254, DALLAS, TEXAS 75242 BEFORE THE CLOSE OF BUSINESS ON OCTOBER 24, 2011 WHICH IS AT LEAST 24 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2011, a true and correct copy of the foregoing was served on all parties of record via ECF or first class mail as follows:

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U. S. Trustee
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/s/ Hank Rugeley
Hank Rugeley

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